

OCT. 15. 2009 3:05PM HARRINGTON & SMITH

NO. 665 P. 2

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Appl. No.: 10/528,458
Reply to Office Action of: 07/20/2009

The examiner's attention is drawn to MPEP 2173.05(f)
"Reference to Limitations in Another Claim" which states:

"A claim which makes reference to a preceding claim to define a limitation is an acceptable claim construction which should not necessarily be rejected as improper or confusing under 35 U.S.C. 112, second paragraph. For example, claims which read: "The product produced by the method of claim 1," or "A method of producing ethanol comprising contacting amylose with the culture of claim 1 under the following conditions" are not indefinite under 35 U.S.C. 112, second paragraph, merely because of the reference to another claim. See also *Ex parte Porter*, 25Â USPQ2d 1144 (Bd. Pat. App. & Inter. 1992) where reference to "the nozzle of claim 7" in a method claim was held to comply with 35 U.S.C. 112, second paragraph. However, where the format of making reference to limitations recited in another claim results in confusion, then a rejection would be proper under 35Â U.S.C. 112, second paragraph.

In regard to claim 10, claim 10 is a dependent claim. Claim 10 would be understood by a person skilled in the art. In this case, the format or form used to make reference to independent claim 1 is not confusing. Claim 10 merely recites:

"10. A card connector comprising the anti-misinsertion mechanism of claim 1."

Applicants' attorney is unaware of any rule in the USPTO which prohibits this type of claim structure. In fact, as noted above, MPEP 2173.05(f) indicates that the following two examples are acceptable dependent claim formats:

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- "The product produced by the method of claim 1." or
- "A method of producing ethanol comprising contacting amylose with the culture of claim 1 under the following conditions"

In regard to claim 18, claim 18 is a dependent claim. Claim 18 recites:

18. A card connector comprising:

a frame forming a card receiving slot; and
the anti-misinsertion mechanism of **Claim 11**
connected to the frame ...

In this case, the format used to make reference to claim 11 is not confusing; at least no more confusing than the examples given in the MPEP of:

- "The product produced by the method of claim 1." or
- "A method of producing ethanol comprising contacting amylose with the culture of claim 1 under the following conditions"

In regard to claim 19, claim 19 is a dependent claim. Claim 19 recites:

19. A card connector comprising the anti-misinsertion mechanism of **claim 11** ...

In this case, the format used to make reference to claim 11 is not confusing; at least no more confusing than the examples given in the MPEP of:

- "The product produced by the method of claim 1." or

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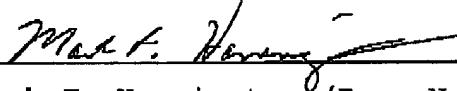
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- "A method of producing ethanol comprising contacting amylose with the culture of claim 1 under the following conditions"

Since the examiner has indicated that the independent claims which dependent claims 10, 18 and 19 depend from are allowable, the examiner is requested to indicate allowance of claims 10, 18 and 19 also.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,



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10/15/09

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